IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

OP.No. 33615 of 2001(B)

PETITIONER:

P.M.VARGHESE,
TRUSTEE,
ERATHODE VEEYAPURAM ST.GEORGE ORTHODOX CHURCH,
KIZHAKKUMBHAGOM.P.O, NIRANAM.

BY ADV. SRI.V.GIRI

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
PATHANAMTHITTA.

2. THE REVENUE DIVISIONAL OFFICER, THIRUVALLA.

3. THOMAS ABRAHAM ALIAS RAJU THUMBUNGAL,
THUMBUNGAL HOUSE, NIRANAM VILLAGE.

BY ADV. SRI.THOMAS ANTONY
SRI.K.M.JAMALUDHEEN
GOVERNMENT PLEADER – ADV. SMT.R.BINDU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.No. 33615/2001

ORDER ON CMP NO. 54915/2001 IN O.P.No. 33615/2001.

DISMISSED.

02/02/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE PLAINT IN O.S.NO. 686/2001 OF THE MUNSIFF'S COURT, THIRUVALLA.

EXT.P2 COPY OF THE INJUNCTION ORDER PASSED IN I.A. 3152/2001 BY THE MUNSIFF'S COURT THIRUVALLA DATED 19/10/2001.

EXT.P3 COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT DATED 11/10/2001.

RESPONDENT'S EXHIBITS

EXT.R3(a) COPY OF THE FIELD MAP REGARDING FIELD NO.41 OF NIRANAM VILLAGE.

EXT.R3(b) COPY OF THE PAGES 87 AND 88 OF THE M BOOK OF NIRANAM GRAMA PANCHAYATH SHOWING THE IMPROVEMENT OF THE RAOD WORK DONE IN THE YEAR 1992 DATED 17/03/1992.

EXT.R3(c) COPY OF THE REGISTERED DOCUMENT NO.164/2001 DATED 19/02/2001.

EXT.R3(d) COPY OF THE ROUGH SKETCH PREPARED BY THE DEPONENT.

EXT.R3(e) COPY OF THE PETITION SUBMITTED BY THE 3RD RESPONDENT AND OTHERS BEFORE THE 1ST RESPONDENT ON 09/10/2001.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 33615 of 2001

Dated, this the 2nd day of February, 2007

J U D G M E N T

This O.P. is filed, challenging the proceedings initiated under Sec. 133 of the Cr.PC on allegation of obstruction of public right of way by the petitioner. The RDO has reported that obstruction is removed and that public path way is cleared and a direction was also issued to remove the obstruction, if it is not removed, by the RDO. If there is any subsequent complaint regarding this, 3rd respondent or any other member of public can bring the same to the notice of the 2nd respondent and the 2nd respondent is directed to take appropriate action, after conducting proper enquiry and after hearing the petitioner and the complainant. OP is accordingly closed.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg